

### **REMARKS/ARGUMENTS**

In this Action, made final, the Examiner rejected claims 32-35 under 35 U.S.C. §101 as directed to non-statutory subject matter, because the recited effectors could be interpreted to read on software per se. In response, applicant has amended those claims to recite that each of the effectors comprises a processor. Applicant therefore requests that the Section 101 rejection of claims 32-35 as amended be withdrawn.

The Examiner rejected claims 1-24 and 27-61 under 35 U.S.C. §102(b) based upon public use or sale of the invention, embodied in the CentreVu® Advocate and CentreVu® Virtual Routing that is described in the Business Editors et al. reference and the CentreVu Advocate User Guide. This rejection is, in the main, respectfully traversed, for the following reasons.

The Examiner deemed the applicant's prior arguments against this rejection to be unpersuasive because the five predictive algorithms referred to in the Business Editors et al. reference were not addressed nor supplied. In response, applicant cures this deficiency as follows.

Based on information and belief, the "five predictive algorithms" referred to in the Business Editors et al. reference are Predicted Wait Time, Service Level Supervisor, Least Occupied Agent, Service Objective, and Percent Allocation. Percent Allocation is described in the User Guide on page 1-4. Service Objective is described in the User Guide on pages 1-4 to 1-5. Predicted Wait Time is described in the User Guide on page 1-6. Service Level Supervisor is described in the User Guide on pages 1-6 to 1-9. Least Occupied Agent is described in the User Guide on pages 1-10 to 1-11.

Percent Allocation, Service Objective, Predicted Wait Time, and Service Level Supervisor are call-selection methods, as indicated in the

User Guide on page 1-2. In contrast, Least Occupied Agent is an agent - selection method, as indicated in the User Guide on page 1-10.

Independent claims 1, 9, 28, 29, 32, 33, 36, and 44 are directed to "selecting a resource for a work item". Since Percent Allocation, Service Objective, Predicted Wait Time, and Service Level Supervisor concern selecting a call (work item) for an agent (resource), they do not apply thereto.

Of the above-mentioned claims, claims 1, 28, 32, and 36 recite determining a value to the resource that is a measure of how serving the work item helps or hurts goals of the resource, wherein "the goals of the resource include per-skill time – allocation goals of the resource" (emphasis added). In contrast, agent selection through Least Occupied Agent "is based on agent occupancy – the total time any agent has with one or more ACD calls...for any of an agent's assigned skills...divided by the total time staffed in any assigned skills..." User Guide at page 1-10 (emphasis added). So while the claims relate to per-skill time goals, the reference relates to total time actuals. Clearly, the reference does not anticipate these claims, or any claims dependent therefrom.

Claims 9, 29, 33, and 44 recite determining a resource treatment value which comprises "a sum across all of a plurality of resource treatments of a product of a value of the resource for the resource treatment and a weight of the work item for how much weight said resource treatment has relative to others of the resource treatments and how much weight the resource treatments have relative to a different weight of the business value". In contrast, Least Occupied Agent is the total time across his skills that an agent has with ACD calls divided by the total time staffed across his skills. At least the weight of the work item and relative weights never enter the computation of Least Occupied Agent. Hence, the reference does not anticipate these claims, or any claims dependent therefrom.

Independent claims 13, 30, 34, and 48 have been changed into dependent claims. Therefore, these claims and any claims dependent therefrom are not rendered unpatentable for at least the same reasons as their base independent claims are not rendered unpatentable.

Independent claims 21, 31, 35, 56, 60, and 61 are directed to "selecting a work item for a resource." Since Least Occupied Agent concerns selecting an agent (resource) for a call (work item), it does not apply thereto.

These claims recite determining a work item treatment value which comprises "a sum across all of a plurality of work item treatments of a product of the value of the work item for the work item treatment and a weight of the work item for how much weight said work item treatment has relative to others of the work item treatments and how much weight the work item treatments have relative to a different weight of the business value." In other words, these claims require each treatment of a work item to be weighted (a) relative to other treatments of the work item and (b) relative to the weight of the business value. But, as their descriptions in the User Guide make clear, neither Percent Allocation nor Predicted Wait Time nor Service Objective nor Service Level Supervisor involves such weighting. Hence, the reference does not anticipate these claims or any claims dependent therefrom.

For the above reasons, applicant requests that the Section 102(b) "public use or sale" rejection of claims 1-24 and 27-61 as amended be withdrawn.

The Examiner rejected independent claims 1, 28, 32, and 36 under 35 U.S.C. §102(b) over Business Editors et al. This rejection is respectfully traversed.

As was pointed out above in the discussion of the "public use or sale" rejection, these claims recite determining a value to the resource that is a measure of how serving the work item helps or hurts goals of the

resource, wherein "the goals of the resource include per-skill time - allocation goals of the resource" (emphasis added). The Examiner referenced paragraphs 2, 3, and 9 of Business Editors et al. for disclosing this matter. But a review of these passages shows that there is, in fact, no such disclosure in Business Editors et al. Assuming for purposes of argument that Business Editors et al. can be interpreted as generally suggesting taking into consideration the goals of the resource -- as asserted by the Examiner -- it does not in any way make up for the failure of Business Editors et al. to disclose the specific recitations of the claims, which mandate that those goals include per-skill time-allocation goals of the resource. Hence, Business Editors et al. does not anticipate claims 1, 28, 32, and 36, and applicants request that the Section 102(b) rejection of these claims over Business Editors et al. be withdrawn.

The Examiner rejected claims 2-5 and 37-40 under 35 U.S.C. §103(a) over 35 U.S.C. §102(b) in view of Bushey et al. This rejection is respectfully traversed.

Claims 2-5 depend from claim 1, and claims 37-40 depend from claim 36. It has been shown above that Business Editors et al. does not disclose the invention of the base independent claims. And it has been shown previously (see, e.g., Applicant's/Appellant's Appeal Brief filed on March 4, 2004) that Bushey et al. also do not disclose, teach, or suggest the recitations of these claims. For example, as has been pointed out above, claims 1 and 36 require determining values of goals of the resource that include per-skill time-allocation goals. Even the Examiner does not assert that a corresponding disclosure can be found in Bushey et al. Hence, the combined teachings of Business Editors et al. and Bushey et al. fail to render claims 2-5 and 37-40 unpatentable for at least the same reasons as they fail to render claims 1 and 36 unpatentable. Applicant therefore requests that the Section 103(a) rejection of claims 2-5 and 37-40 be withdrawn.

The Examiner rejected claims 6-8, 13-17, 30, 34, 41-43, and 48-52 under 35 U.S.C. §103(a) over Business Editors et al. in view of Walker et al. and Bushey et al. This rejection is also respectfully traversed.

Claims 3-8 and 13-17 depend from independent claim 1. Claim 30 depends from independent claim 28. Claim 34 depends from independent claim 32. Claims 41-43 and 48-52 depend from independent claim 36. As was pointed out above, these independent claims recite determining values of goals of the resource that include per-skill time-allocation goals. As was shown in the discussion of the Section 103(a) rejection of claims 2-5 and 37-40, the combined teachings of Business Editors et al. and Bushey et al. do not disclose, teach, or suggest this aspect of the claimed invention, and even the Examiner does not suggest that such teaching can be found in Walker et al. Hence, the independent claims are patentable over the combined teachings of the three references; and for at least the same reasons, so are any claims that depend from the independent claims.

Applicant therefore requests that the Section 103(a) rejection of claims 6-8, 13-17, 30, 34, 41-43, and 48-52 be withdrawn.

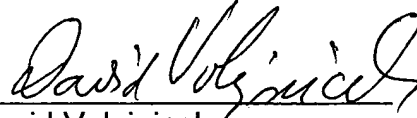
The Examiner's rejections having been properly addressed and disposed of, applicant suggests that the application is now in condition for allowance. Applicant therefore requests that the application be reconsidered and thereafter be passed to issue.

Applicant believes that the foregoing is dispositive of all issues in the application. But if the Examiner should deem that a telephone interview would expedite prosecution, applicant invites the Examiner to call his attorney at the telephone number listed below.

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Respectfully submitted,

Jon A. Ford

By 

David Volejnicek  
Corporate Counsel  
Reg. No. 29355  
303-538-4154

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Avaya Inc.  
Docket Administrator  
307 Middletown-Lincroft Road  
Room 1N-391  
Lincroft, NJ 07738